



COUNCILMEMBER DONNA FRYE

CITY OF SAN DIEGO – SIXTH COUNCIL DISTRICT

Press Release

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Contact: Kevin Smith
619-533-6469 (office), 619-675-4458 (cell)

FRYE & AGUIRRE WORK TOGETHER TO PROTECT TAXPAYER DOLLARS

Lawsuit over unsolicited faxes settled for over \$400,000

San Diego, CA- Today, Councilmember Donna Frye and City Attorney Michael Aguirre announced the end of a lawsuit brought by the City of San Diego against *Fax.com* over the issue of unsolicited faxes sent to city offices, resulting in a \$428,000 settlement.

Frye commented, "The action taken against Fax.com has resulted in over \$400,000 for the taxpayers and sends a clear message to these fax companies that San Diegans are serious about stopping unsolicited faxes to our businesses and homes."

Aguirre stated, "The City Attorney's office is dedicated to protecting the taxpayers from this type of consumer fraud and we will continue to pursue more cases like this on behalf of the citizens of San Diego."

Frye, after tracking junk faxes sent to her office starting in 2003, urged the City Attorney to take legal action against fax companies not complying with the law. Using information provided by Frye, detailing when each fax was sent and when each individual fax removal list number was called, the city sued *Fax.com* for violation of federal laws that protect consumers against unsolicited advertisements via fax and pre-recorded phone messages. Frye felt initiating such action was vital in forcing these companies to comply with the law.

In 2003, the City Attorney got a stipulated judgment against *Fax.com* and an injunction to stop sending faxes to city offices. Although *Fax.com* did stop sending junk faxes, they eventually defaulted on the judgment and the company dissolved. In early 2006, the City Attorney's Civil Revenue and Recovery Section reinstated the lawsuit against *Fax.com*'s officers in their individual capacities, resulting in a \$428,000 settlement.

Frye, expressing strong feelings on the issue said, "Companies like *Fax.com* who blatantly ignore requests for removal from their distribution list must be prosecuted to the full extent of the law. It is crucial that people concerned with this problem at their own home or office take a minute to call the fax removal phone number on the junk fax to have their number removed from the distribution list. If the request is ignored, the citizen can sue the company for damages."

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